



புதுச்சேரி மாநில அரசிதழ்

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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No.		Puducherry	Thursday	17th	June 2021

IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH) AT PUDUCHERRY

Present : Thiru M. KANDASAMY,
Subdivisional Magistrate (North).

M.C. No. 182/2021, I.R.No. 65/2021 under section 144 of Cr.P.C./1090

ORDER

(UNDER SECTION 144 OF Cr. P.C.)

State Represented by the Station House Officer,
Lawspet Police Station,
Puducherry. . . Petitioner

Vs

Thiru Sundar @ Sakthivel
@ Maduvupet Sundar (34),
S/o. Muthukrishnan,
No. 19, 1st Cross, Sethilal Nagar,
Maduvupet, Lawspet,
Puducherry. . . Counter Petitioner

This petition along with case sheet is filed by Station House Officer, represented by Thiru G. Thirumurugan, Sub-Inspector, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Sundar @ Sakthivel @ Maduvupet Sundar to prevent imminent danger to human lives and properties and disturbance to the public tranquility and order, in the jurisdiction of this Court.

2. Counter Petitioner is Sundar @ Sakthivel @ Maduvupet Sundar son of Muthukrishnan, a resident of No. 19, 1st Cross, Sethilal Nagar, Maduvupet, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case referred by the Station House Officer, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 65/2021 under section 144 of Cr.P.C., dated 01-04-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, riot, violence, intimidation, assault, disturbance to the public tranquility and order. The Counter Petitioner has created panic in the minds of local inhabitants and the business community in the Lawspet Police Station limits, Puducherry. As a result, the people of the locality being afraid of the Counter Petitioner do not come forward to lodge any complaint against him. It is also stated that even witnesses don't come forward voluntarily to give evidence against him in the cases where he is the accused. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 91/2012 under sections 147, 148, 341, 332, 333, 302, 307, 109 IPC and Section 3 of Explosive Substances Act, 1908 r/w 149 IPC and Section 3 of Prevention of Damage to Public Properties Act, 1984, dated 10-08-2012 of Thavalakuppam Police Station, Puducherry – Acquitted.
2. Cr.No. 172/2010 under sections 147, 148, 307 IPC @ 147, 148, 302 IPC r/w 149 IPC @ 174, 148, 302, 303 IPC, Section 29 of Arms Act, 1959 r/w 149 and 109 IPC, dated 22-04-2010 of Odiyalai Police Station, Puducherry – Acquitted.
3. Cr.No. 265/2010 under sections 147, 148, 452, 302 IPC r/w 3(a) of Explosive Substances, Act, 1908, dated 31-12-2010 of Kottakuppam Police Station, Tamil Nadu – Pending Trial.
4. Cr.No. 259/2008 under sections 147, 148, 302, 307, 120(B) IPC r/w 149 IPC of Odiyalai Police Station, Puducherry, dated 11-11-2008 – Acquitted.
5. Cr.No. 180/2008 under sections 302 IPC @ 302 IPC, 120(B) IPC r/w 34 IPC of D'Nagar Police Station, Puducherry, dated 12-05-2008 – Acquitted.
6. Cr.No. 5/2012 under sections 452, 394 IPC r/w 34 IPC of D'Nagar Police Station, Puducherry, dated 08-01-2012 – Acquitted.
7. Cr.No. 33/2017 under sections 147, 148, 302, 201 IPC r/w 149 IPC @ 147, 148, 342, 302, 201 IPC r/w 149 IPC, dated 15-02-2017 of D'Nagar Police Station, Puducherry – Acquitted.
8. Cr.No. 141/2017 under sections 120(B) and 27 (1-A) of Arms Act, 1959 @ 332, 120(b) IPC and 27(1) of Arms Act, 1989 r/w 149 IPC, dated 25-10-2017 of Lawspet Police Station, Puducherry – Acquitted.

9. Cr.No. 70/2017 under section 25 (1-A) of Arms Act, 1959 r/w 34 IPC @ 120(b) IPC and 25 (1-A) of Arms Act, 1959 r/w 34 IPC, dated 26-05-2009 of Lawspet Police Station, Puducherry – Pending Trial.
10. Cr.No. 876/2020 under sections 147, 341, 109, 302 IPC and 3 of Explosive Substances Act, 1908, dated 06-06-2020 of Kottakuppam Police Station, Tamil Nadu – Under Investigation.

4. It is also stated in the I.R that the Station House Officer has received reliable information that the Counter Petitioner extort money from the business people and wealthy persons under fear of death with active assistance of his associates. It is further stated that the Counter Petitioner has become a threat and menace to the innocent people. It is also stated that the Counter Petitioner is young, very active notorious rowdy element and therefore, his criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

5. The Petitioner further submitted that if, Counter Petitioner is allowed to reside in Lawspet limits, it is apprehended that he would continue to indulge in serious offences like assault, explodes country made bombs, criminal intimidation, obstructions, annoyance, etc., and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, Lawspet Police Station, Puducherry, has prayed to invoke provisions under section 144 of Cr.P.C., against the Counter Petitioner do not to enter into the jurisdiction of this Court for a period of two months as to prevent danger to the human life and properties and disturbance to the public tranquility and order;

6. The proceeding was started by affording an opportunity to the Counter Petitioner to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 07-06-2021 to appear for the hearing on 08-06-2021 and 10-06-2021. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer Lawspet Police Station, Puducherry. The notice for the Counter Petitioner was received by his wife, Tmt. Silambarasi. The service was held sufficient for the Counter Petitioner.

7. On 10-06-2021, the Petitioner represented by Thiru G. Thirumurugan, Sub-Inspector, Lawspet Police Station, Puducherry was present. The Counter Petitioner has failed to appear before the Court on hearing date.

8. I have heard the Petitioner and carefully gone through all the available records placed before me. In the Police Information Report/Petition, it is stated that the activities of Thiru Sundar @ Sakthivel @ Maduvupet Sundar, is in such a manner that they may cause breach of peace and create a problem of law and order and public tranquility. He has involved in crimes such as murder, assault, unlawful activities and disturbance to the public peace and order. There are ten criminal cases were registered against him in various Police Stations.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), I am of the opinion that if, the Counter Petitioner is allowed to reside within the limits of my jurisdiction, Counter Petitioner will continue to indulge in and also motivate serious offences like murder, assault, obstructions, annoyance, damages to public and private properties, etc., and thereby become a perennial source of threat to the community and disturb public peace and order. Such situations cannot be handled effectively by taking recourse to usual procedures contemplated by law and hence, it is necessary that special provision under section 144 of Cr.P.C., is invoked to take action against the Counter Petitioner to prevent harm to life and properties of citizens and uphold public peace and order;

Hence, I, M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of the powers conferred under the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Sundar @ Sakthivel @ Maduvupet Sundar, son of Muthukrishnan, a resident of No. 19, 1st Cross, Sethilal Nagar, Maduvupet, Lawspet, Puducherry, from entering into the region under the jurisdiction of the Subdivisional Magistrate Court (North) for a period of two months from the date of this Order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Puducherry. However, the Counter Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 10th day of June, 2021, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).